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6 Attorneys for Creditor Veros Credit, LLC  
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**UNITED STATES BANKRUPTCY COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**

In Re:  
LORENA MEJIA,  
Debtor.

Case No.: 17-50985 SLJ 7

Chapter 7

Adv. Proc. No.17-05063

Assigned to Hon. Stephen L. Johnson

VEROS CREDIT, LLC, a Nevada Limited  
Liability Company,

**NOTICE OF MOTION AND MOTION TO  
IMPOSE ENTRY OF JUDGMENT AGAINST  
DEFENDANT FOR FAILURE TO APPEAR  
AT STATUS CONFERENCE UNDER  
FEDERAL BANKRUTPCY RULE OF  
PROCEDURE 7016(b) AND LOCAL  
BANKRUPTCY RULE 7016-1**

Plaintiff,  
v.  
LORENA MEJIA, an individual and the Debtor  
herein; and Does 1 – 20;

Hearing:

Date: November 28, 2017

Time: 1:30 pm

Location: Courtroom 3099  
U.S. Bankruptcy Court  
280 South 1<sup>st</sup> Street  
San Jose, CA 95113

Action Filed: July 27, 2017

No Trial Date Set

Initial Status Conf. Set For Sept. 28, 2017

Continued Status Conf. Set For Nov. 15, 2017

TO DEBTOR, CHAPTER 7 TRUSTEE, US TRUSTEE, AND THEIR ATTORNEYS OF RECORD:  
Petitioner Veros Credit, LLC (“Plaintiff” or “Movant”) will and hereby does move (“Motion”) this Court for an Order to Impose Entry of Judgment Against Defendant Lorena Mejia (“Defendant”) for

NOTICE OF MOTION AND MOTION FOR ENTRY OF JUDGMENT IN ADVERSARY PROCEEDING

-1-

1 Failure to Appear at Status Conference under Bankruptcy Rule OF Civil Procedure 7016(b) and Local  
2 Bankruptcy Rule 7016-1.

3 The Motion is based on its own content, the documents already filed in this Bankruptcy Case, and  
4 evidence and oral argument presented at the Hearing.

5 The grounds for this Motion are including but not limited to: The Defendant failed to appear at  
6 the initial Status Conference set for September 28, 2017 at 1:30 pm in this Court as mandated by the  
7 Court's Scheduling Order. At that hearing, the Court requested that Plaintiff file this Motion to request  
8 the Court to enter a judgment against Defendant in this Adversary Proceeding based on her failure to  
9 appear at the Status Conference under Bankruptcy Rule OF Civil Procedure 7016(b) and Local  
10 Bankruptcy Rule 7016-1. *Coyne Elec. Contr., Inc. v. Bank Leumi USA (In re Coyne Elec. Contrs., Inc.)*  
11 (Bankr. S.D.N.Y. Mar. 11, 1999), 231 BR 204 (court has authority to enter judgment for a party's failure  
12 to comply with a scheduling order under FRBP 7016); *GM Co. v. Heraud* (Bankr. E.D. Mich. Aug. 20,  
13 2009), 410 BR 569; *Carter v. Brooms (In re Brooms)* (B.A.P. 9th Cir. Jan. 18, 2011), 447 BR 258, *aff'd*,  
14 (9th Cir. May 23, 2013), 520 Fed Appx 569 (judgment entered against party that willfully disregarded  
15 court's orders).

16 Based on the foregoing, Plaintiff requests that Court enter judgment in favor of Plaintiff in the  
17 amounts and damages prayed for in the Complaint against Defendant as follows:

- 18 1. General Damages of \$59,593.04 in favor of Plaintiff and that these damages are not  
19 dischargeable in Defendant's Bankruptcy Case under 11 U.S.C. Section 523(a)(2)(A) and  
20 11 U.S.C. Section 523(a)(6).
- 21 2. For an award of pre-judgment and post-judgment interest as permitted by federal and  
22 California law on the judgment for the General Damages of \$59,593.04 requested above  
23 and that this award is not dischargeable in Defendant's Bankruptcy Case under 11 U.S.C.  
24 Section 523(a)(2)(A) and 11 U.S.C. Section 523(a)(6).
- 25 3. For a hearing to provide evidence to obtain Court approval of the attorney's fees and costs  
26 incurred in bringing the underlying Superior Court against Defendant and in this lawsuit  
27 against Defendant and that these fees and costs are not dischargeable in Defendant's  
28 Bankruptcy Case under 11 U.S.C. Section 523(a)(2)(A) and 11 U.S.C. Section 523(a)(6).

- 1           4. For a hearing to prove up special damages and punitive damages and any judgment by this  
2           Court for such damages are not dischargeable in Defendant's Bankruptcy Case under 11  
3           U.S.C. Section 523(a)(2)(A) and 11 U.S.C. Section 523(a)(6).
- 4

5 Respectfully submitted on this 31st day of October, 2017 by:

6           MADISON HARBOR, ALC

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8           Dixon Gardner,  
9           Attorneys for Plaintiff

Dixon L. Gardner, Esq. (SBN 213119)  
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Attorneys for Creditor/Plaintiff Veros Credit, LLC

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA**

In re: **LORENA REYES MEJIA,** Debtor. Bankruptcy Case No.: 17-50985-SLJ-7  
Chapter: 7 Adversary Proceeding No. 17-05063  
R.S. No.: DLG-1

**VEROS CREDIT, LLC, a Nevada Limited  
Liability Company,**

**Plaintiff.**

vs

**LORENA MEJIA, an individual and the Debtor  
herein; and Does 1 – 20:**

## **Defendants.**

**Bankruptcy Case No.: 17-50985-SLJ-7**

Chapter: 7

Adversary Proceeding No. 17-05063  
R.S. No.: DLG-1

Assigned to Hon. Stephen L. Johnson

## CERTIFICATE OF SERVICE

I, the undersigned, declare that I am employed in the County of Orange. I am over the age of 18 years  
at a party to the within entitled action. My business address is 17702 Mitchell North, Irvine, CA 92614.

On October 31, 2017, I served the within: Notice of Motion and Motion to Impose Entry of Judgment against Defendant for Failure to Appear at Status Conference under Federal Bankruptcy Rule of Procedure

## **CERTIFICATE OF SERVICE**

1 7016(b) and Local Bankruptcy Rule 7016-1 in a sealed envelope with postage thereon fully prepaid, in the United  
2 States Mail at Irvine, California, to all parties entitled to receive regularly mailed notices, addressed as follows:  
3

4 Lorena Mejia Reyes  
1298 Palm Street, Apt. C  
5 San Jose, CA 95110  
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7 I declare, under penalty of perjury, that the foregoing is true and correct. Executed on October 31, 2017  
8 at Irvine, California.  
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MADISON HARBOR, ALC  
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CERTIFICATE OF SERVICE

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